

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 13, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 15HD-145

Hawaii

Amend Prior Board Action of August 26, 1988, Agenda Item F-4, Sale of Abandoned Railroad Right-of-Way to Robert S. Oshiro, Carol Oshiro and Rickey I. Oshiro, Waiakea Homestead Lots, Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-2-040:004. The Purpose of the Amendment is to Change the Applicants to Robert Sueo Oshiro and Carol Oshiro and include a Hawaii Revised Statutes Chapter 343 Exemption Determination.

BACKGROUND:

At its meeting of August 26, 1988, under agenda item F-4, the Board approved the above subject matter regarding the sale of an abandoned railroad right-of-way to Robert S. Oshiro, Carol Oshiro and Rickey I. Oshiro. A copy of the approved submittal is attached as Exhibit 1.

An appraisal of the railroad remnant was completed in 1989 and payment of \$3,563.00 was made in 1990. Delays in providing the required maps indicating consolidation and subdivision of the remnant into the Applicants' property prevented the completion of the transaction and the request was subsequently put on hold. Final consolidation approval was granted by the County of Hawaii, Planning Department in a letter dated October 30, 2014.

During the delay period, a change in ownership of the property occurred. Rickey I. Oshiro quitclaimed his interest in the property to the two remaining Applicants and was removed from the title by Quitclaim Deed signed on November 6, 2009 and recorded with the Bureau of Conveyances on November 17, 2009 (Exhibit 2).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner(s) and will become privately owned land at that point.

REMARKS:

As a result of the change of title in the Applicants' property, staff is requesting the Board amend the prior approval of the sale of the abandoned railroad right-of-way to Robert S. Oshiro, Carol Oshiro and Rickey I. Oshiro by deleting Rickey I. Oshiro as an Applicant.

RECOMMENDATION: That the Board:

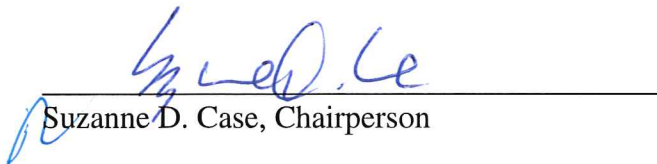
1. Amend its prior action of August 26, 1988, under agenda item F-4, by:
 - a. Including the following exemption determination in the recommendations section: Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
 - b. Changing the Applicants to Robert Sueo Oshiro and Carol Oshiro.
2. Except as amended hereby, all terms and conditions listed in the Board's August 26, 1988 approval to remain the same.

Respectfully submitted,



Gordon C. Helt
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

August 26, 1988

Board of Land and
Natural Resources
Honolulu, Hawaii

Gentlemen:

HAWAII

Subject: Direct Sale of Remnant

STATUTE: Chapter 171, Hawaii Revised Statutes

APPLICANTS: ROBERT S. OSHIRO, CAROL OSHIRO, and RICKEY I. OSHIRO

FOR: Portion of an abandoned railroad right-of-way situate at Waiakea Homesteads Lots, South Hilo, Hawaii, shown on the map labeled Land Board Exhibit "A" appended to the basic file, Tax Map Key 2-2-40.

STATUS: Unencumbered

PURPOSE: Consolidation with abutting property.

ZONING: State Land Use Commission: Urban
County of Hawaii CZO: RS-10

AREA: 4,989 square feet, more or less, subject to confirmation by the Survey Division, Department of Accounting and General Services.

CONSIDERATION: To be determined by independent appraisal, appraisal establishing fair market value, same subject to review and acceptance by the Chairperson.

LAND TITLE
STATUS: Subsection 5(b) land.

REMARKS: A portion of the abandoned railroad right-of-way bisects Lot 2, Waiakea Homesteads Lots, South Hilo, Hawaii further described as Tax Map Key:2-2-40:4. The Oshiros, who recently acquired Lot 2, have submitted a request to purchase the abandoned Railroad right-of-way.

EXHIBIT 1

ITEM F-4

RECOMMENDATION: That the Board:

- A. Find the subject area to be physically unsuitable for development as a separate unit because of its size and shape and by definition is a remnant.
- B. Approve the direct sale of the remnant to the applicants subject to the terms and conditions listed above, which are by this reference incorporated herein, in addition to the following:
 1. Use of the subject area, whether in combination, consolidation or otherwise with other lands, shall be in accordance with the appropriate zoning and subdivision ordinances of the County of Hawaii.
 2. The purchaser must submit written evidence of consolidation from the County of Hawaii Planning Department before a land patent is issued.
 3. Other terms and conditions as may be prescribed by the Chairperson.

Respectfully submitted,


Mike K. Shimabukuro
Land Management Administrator

APPROVED FOR SUBMITTAL:


WILLIAM W. PATY, Chairperson

710



R-135 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
NOV 17, 2009 08:01 AM
Doc No(s) 2009-175913



20 111 Z2

/s/ NICKI ANN THOMPSON
REGISTRAR
CONVEYANCE TAX: \$0.00

After Recordation, Return by Mail () Pickup (X) to:

Robert & Carol Oshiro
Hilo, Hawaii 96720

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE COMPANY, INC. AS
AN ACCOMMODATION ONLY IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION OR
AS TO ITS EFFECT UPON THE TITLE.

Total pages: SEVEN

Affects

Tax Map Key (3) 2-2-040-004
Lot 2, Block 501, Waiakea Homestead Houselots,
Document: Liber 22046 Page 767

QUITCLAIM DEED

GRANTOR: **ROBERT SUEO OSHIRO** and **CAROL OSHIRO**, husband and wife, and
RICKEY I. OSHIRO, unmarried, whose address is Hilo,
Hawaii 96720.

GRANTEE: **ROBERT SUEO OSHIRO** and **CAROL OSHIRO**, husband and wife, whose
address is Hilo, Hawaii 96720.

DESCRIPTION OF PROPERTY:

The property affected by this Quitclaim Deed is described in Exhibit "A" attached to this document.

SALE AND TRANSFER OF PROPERTY:

In return for the Grantee's payment of the purchase price as agreed between Grantor and Grantee, the Grantor sells, conveys, grants and transfers, in fee simple, forever, Grantor's interest in the property described in Exhibit "A" to the Grantee.

SALE AND TRANSFER OF OTHER RIGHTS:

Grantor also sells, conveys, grants and transfers to the Grantee, Grantor's interest in the following:

- (A) All improvements located on the property;
- (B) All rights the Grantor has in other property because of the Grantor's ownership of the property being sold (these rights are known as "easements and appurtenances");
- (C) All rents or royalties from the property;
- (D) Any mineral and metallic rights owned by the Grantor in the property; and
- (E) All other rights or privileges that the Grantor owns because of the Grantor's ownership of the property.

GRANTEE'S TENANCY:

The Grantee will take and own the property as **Tenants by the Entirety**. The Grantee will also own the other rights described above in the same tenancy.

DEFINITIONS:

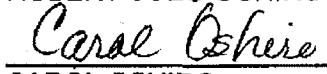
The word "person" includes natural persons, business organizations and any other entity the law allows to own property or conduct business.

The words "Grantor" and "Grantee" include the persons named in this Quitclaim Deed and those who take over or succeed to that person's rights or interests, whether by purchase, inheritance, operation of law or otherwise.

DATE:

This Quitclaim Deed is being signed by the Grantor on the 16 day of NOVEMBER, 2009.


ROBERT SUEO OSHIRO


CAROL OSHIRO


RICKEY I. OSHIRO

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 6th day of November, 2009, before me personally appeared **ROBERT SUEO OSHIRO**, to me known to be the person (or who provided satisfactory evidence of his identity) described in and who executed the foregoing **Quitclaim Deed**, and acknowledged to me that he executed the same as his free act and deed.

Roxanne Mae Dante
Notary Public
State of Hawaii

Roxanne Mae Dante
Printed or Typed Name of Notary
My commission expires: 8/2/2011

NOTARY CERTIFICATION
Made pursuant to Chapter 456, Hawaii Revised Statutes and
Hawaii Administrative Rules §5-11-8

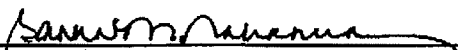
Document Description: Quitclaim Deed
Document Date: 11/6/2009
Number of pages: SEVEN
Circuit of Notarial act: Third Circuit
Printed name of Notary: Roxanne Mae Dante



Roxanne Mae Dante
Signature of Notary Public
11/6/2009
Date

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 6th day of November, 2009, before me personally appeared **CAROL OSHIRO**, to me known to be the person (or who provided satisfactory evidence of her identity) described in and who executed the foregoing **Quitclaim Deed**, and acknowledged to me that she executed the same as her free act and deed.



Notary Public
State of Hawaii

SANDRA M. NAKAMURA

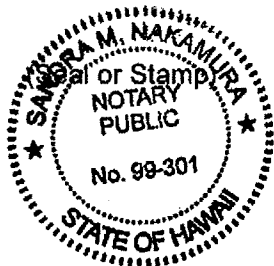
Printed or Typed Name of Notary

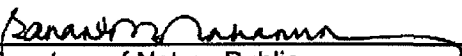
My commission expires: JUNE 12, 2011

NOTARY CERTIFICATION

Made pursuant to Chapter 456, Hawaii Revised Statutes and
Hawaii Administrative Rules §5-11-8

Document Description:	<u>Quitclaim Deed</u>
Document Date:	<u>NOV 06 2009</u>
Number of pages:	<u>SEVEN</u>
Circuit of Notarial act:	<u>Third Circuit</u>
Printed name of Notary:	<u>SANDRA M. NAKAMURA</u>



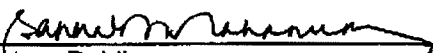


Signature of Notary Public
NOV 06 2009

Date

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 6th day of November, 2009, before me personally appeared **RICKEY I. OSHIRO**, to me known to be the person (or who provided satisfactory evidence of his identity) described in and who executed the foregoing **Quitclaim Deed**, and acknowledged to me that he executed the same as his free act and deed.



Notary Public
State of Hawaii

SANDRA M. NAKAMURA

Printed or Typed Name of Notary

My commission expires: June 12, 2011

NOTARY CERTIFICATION

Made pursuant to Chapter 456, Hawaii Revised Statutes and
Hawaii Administrative Rules §5-11-8

Document Description:

Quitclaim Deed

Document Date:

NOV 06 2009

Number of pages:

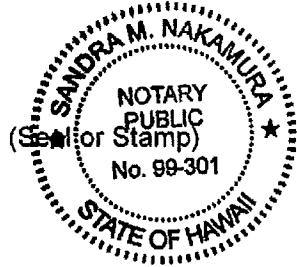
SEVEN

Circuit of Notarial act:

Third Circuit

Printed name of Notary:

SANDRA M. NAKAMURA




Signature of Notary Public

NOV 06 2009

Date

Exhibit "A"

That certain parcel of land (portion of the land described in and covered by Land Patent Grant Number 10594 to Oteru Takehiro Koshiyama) situate, lying and being at being Waiakea, South Hilo, Island and County of Hawaii, State of Hawaii **LOT NUMBER 2**, in **Block 501**, of the **"WAIAKEA HOMESTEAD HOUSELOTS"**, and thus bounded and described, to-wit:

Beginning at the Northwest corner of this parcel of land, also being the Southwest corner of Grant 10442 to Antonio F. Martins (Lot 3, Block 501, Waiakea Homestead Houselots) on the East side of Kilauea Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 9,367.25 feet South and 9,845.83 feet East, and thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|--|
| 1. | 265° 40' | 242.00 | feet along Lot 3, Block 501, Waiakea Homestead Houselots; |
| 2. | 355° 40' | 180.00 | feet along Lot 12, Block 501, Waiakea Homestead Houselots; |
| 3. | 85° 40' | 242.00 | feet along Lot 1, Block 501, Waiakea Homestead Houselots; |
| 4. | 175° 40' | 180.00 | feet along Kilauea Avenue to the point of beginning and containing a gross area of 1.000 acre and net area of 0.885 acre . |

Excepting and reserving therefrom the following described abandoned railroad right of way:

Beginning at the Southwest corner of this parcel of land, being 156.68 feet from the Southwest corner of the above described parcel of land on the East side of Kilauea Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 9,390.50 feet South and 9,847.59 feet East, and thence running by azimuths measured clockwise from True South:

- | | | | |
|----|--------------|--------|----------------------------|
| 1. | 175° 40' | 20.00 | feet along Kilauea Avenue; |
| 2. | 269° 55' | 83.34 | feet; |
| 3. | 280° 55' 55" | 164.70 | feet; |
| 4. | 355° 40' | 22.44 | feet; |

Thence along a curve to the left with a radius of 411.00 feet; the chord azimuth and distance being:

- | | | | |
|----|--------------|--------|--|
| 5. | 100° 37' 28" | 166.80 | feet; |
| 6. | 89° 55' | 81.86 | feet to the point of beginning and containing a gross area of 4,989 square feet or 0.115 acre. |

Being all to the property conveyed by the following:

Instrument: Commissioner's Deed
Grantor: Wayne Metcalf, III, Commissioner
Grantee: ROBERT SUEO OSHIRO and CAROL OSHIRO, husband and wife, and RICKEY I. OSHIRO, unmarried

Recorded: July 17, 1988, in the Bureau of Conveyances of the State of Hawaii, **Liber 22046 Page 767.**

Tax Map Key: 3rd 2-2-040-004

Subject, however, to all encumbrances of record.

End of Exhibit "A"